

Judge: this is a great article posted by someone whom I
critique regularly.

This
was
inappropriate
and
VERY
damaging

Mr. Campbell: I am an attorney in Greenville, SC. I represent a client that has filed a federal lawsuit against one Philip Smith (a.k.a. Jackwhispers) for trademark infringement. I have learned that Mr. Smith has attacked/libeled/slandered a number of other folks in his blog, you included. I was wondering if you would mind giving me some idea of your history with this individual, what kinds of contacts you have had with him, what you have done about his personal attacks, if anything, etc. A copy of my client's complaint and motion for preliminary injunction are attached for your review. Thanks for any help.

At my request, Jack Campbell responds with the following letter:

An Open Letter To Jackwhispers Readers

From: of all people... Jack

The past three years has been an interesting time for me, as I chose to move many of my business pursuits from other industries and to focus my efforts in the Apple computer peripherals market space. I have had my ups and downs in that time, and have learned much about the industry, the culture, and the people moving the Apple experience forward these days. And, along the way, I bumped into Philip Smith, publisher of Jackwhispers.

My history with Philip is well known in Mac circles, as most of it has been created in the very bright light of public debate and scrutiny. Philip has disagreed with me almost continually for three years... in almost every way, on almost every topic. We have fussed and feuded over big issues and small. And, he has been a relentless adversary to many of my business activities. At times, clearly, nobody in my life has annoyed me more than Philip, and the merciless attack he launched and sustained against me on both his web site and other web outlets.

I am writing this letter to state my beliefs about the rights of bloggers like Philip to make such public accusations and to foment such public debate as Philip has done with me these years. In a nutshell: Bravo!

Has Philip been a pain in my posterior at times? Yes. Has he infuriated me at times to a degree where I wanted to hurl incendiary devices toward his home in South Carolina? Oh, yes. Do I think Philip should have been gagged and shut down at some point along the way? No way.

We live in interesting times where our definitions of 'media' are being challenged on a near daily basis, where our ideas about the creation and dissemination of information and the rights and abilities of people everywhere to engage in the public activity of doing these things is being expanded regularly. The Web is changing everything at lighting speed. And, in what I think is a wonderful way, it is pushing the way the public can be exposed to and can debate issues small and large back to an earlier time... to a time of the Citizen Journalist.

We are leaving a time when Big Media prints or broadcasts information to us, and we simply gobble it up as gospel, unchallenged. Instead, we are being pulled back to an era -- a great and noble era -- where citizens were expected to hear the news of the day, and receive it with some skepticism, and to engage their own minds and resources in evaluating the claimed statements and drawing their own conclusions. We are reentering an era where citizens must actually begin thinking about the issues of the day with their own minds, and with their own analytical thinking fully engaged. The God of Unimpeachable Big Media is tumbling down.

Philip and his site(s), and his various causes are but a small slice of this overall return of the world to a time of the Citizen Journalist. Facts are not triple checked, beliefs are not screened with an institutionalized editorial policy... people just say what they believe and report what they see around them. And, we as readers and listeners have a larger responsibility to evaluate and judge the merits of the claims. It is a wonderful system... anarchic, yes... but it is the way a democracy should work. Unfettered public speech, coupled with a demand that citizens actually think... well, that system is the root of an open, unencumbered society.

I would not slow this shift to a more open society no matter what the personal issues I face. It is entirely too important of a larger issue for

everyone for it to be stifled for the convenience of one person. So, again, I fully support Philip's right to publish what he sees and to publish his opinions on the web... or anywhere else.

Philip recently had some interaction with a South Carolina based eBay third-party auction services company. And, he has published reports of the things he saw in that process. It seems that the person who owns that company does not believe in the higher values of the Citizen Journalist, as he has not only filed suit against Philip asking to enjoin Philip from publishing Jackwhispers, but has reached out to pull other people into his case... people including me.

To Mister Complaining Business Guy in South Carolina, I say this: If you cannot stand public debate of your actions and operations, you are hiding something. And, by legally attacking anyone who disagrees with your beliefs and practices you are simply bullying a small guy, in an effort to continue hiding whatever the details of your business might be that you believe cannot stand the scrutiny of public debate. If you think Philip is wrong, there is a Comments system alive on this site where you enter the debate for yourself. Present your facts and claims against his, and let the public use their own minds to draw their own conclusions

Mister 3rd Party eBay Auction Services Guy, if you are a big man, you will be big enough to face criticism openly, and to face it with your own defense. If you are guilty or are too small of a man to do this... well, you will resort to hiring a team of lawyers to bludgeon the little Citizen Journalist into silence.

That said, I am publicly declaring my support of Philip Smith and Jackwhispers in this matter. He is within his rights (as they should exist in this country) to report what he sees, what he believes, and what he thinks. If someone does not like what is said, they have just as much right to counter publish their positions, or to even participate in debate right here. That is pure democracy at work at the grass roots level. And, I support Philip's unequivocal right to be here.

Jack Campbell